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|  | Northern Neck wireless Internet Services LLC | Request a Site Survey 1-888-4NN-WIFI 804-436-WIFI (9434) |
| PO BOX 1535 | Kilmarnock VA 22482 | 74B South Main Street |

December 12, 2010

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Written Ex Parte Presentation*
ET Docket Nos. 09-191 and WC Docket No. 07-52

Dear Ms. Dortch:

My company, Northern Neck Wireless Internet Services, LLC, provides Fixed Wireless broadband service in Virginia's Northern Neck and Middle Peninsula counties. We are a small disable veteran-owned WISP providing fixed wireless broadband internet service to about 2,000 residents and local businesses. We rely primarily on unlicensed spectrum to deliver broadband services to consumers that have no [or few] broadband choices. We built our network from scratch using devices authorized under Part 15 rules the FCC adopted to open up 900 MHz, 2.4 GHz, 3.65 GHz and 5 GHz spectrum for unlicensed or light licensed broadband devices. Thanks to the Commission's initiatives; consumers, businesses, and government services in the Northern Neck Wireless Internet Services, LLC area can now get broadband service.

The Northern Neck and Middle Peninsulas are both extremely rural, low income, high unemployment regions. The nine counties of the region average about 12,000 residents with an average income of less than \$35,000 per year. Besides lacking any significant population centers, the region is geographically flat and heavily forested. All these features conspire to deter major telecommunication operators from investing in the area. For example Northumberland County government telephone exchange does not have DSL nor common phone features like Caller ID available due to outdated Verizon equipment. When the county executive recently pleaded with a Verizon representative to upgrade the switch for the exchanges, the Verizon response was that "legally we don't have to upgrade the switch so we are not going to up grade the switch, so stop asking."

Consequently, the delivery of high speed broadband services to the region is singly dependent on small entrepreneurs who are willing to tackle the risk of building a broadband infrastructure in a rural area. Not only do we provide the local population with broadband service, but we also employ local workers, pay local business and property taxes, buy supplies locally, rent store fronts, and materially add to the economy of the area.

Northern Neck Wireless Internet Services, LLC is concerned that certain Network Neutrality rules, if adopted, would severely and adversely affect our ability to continue to provide our customers with affordable Fixed Wireless broadband services. It is our understanding that although mobile broadband will have a special set of rules, Fixed Wireless broadband will be lumped in with traditional wired services and be subject to a stricter set of rules. We feel that the Network Neutrality rules imposed on Fixed Wireless broadband should be no more rigid

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than the rules that will apply to mobile wireless broadband providers. The physics of wireless technology and delivery necessitate a relaxed set of rules for all wireless technologies.

Many of the proposed rules will destroy our industry, our business and our customers' Internet experience. We believe wireless networks, either Fixed or mobile, will be unable to operate effectively if the definition of what constitutes "reasonable" network management practices does not account for the unique obstacles faced by small businesses with congested networks, bandwidth constraints, tower and middle-mile access limitations and a lack of investment capital. **For many households in rural America, this will mean the loss of broadband services entirely at a time when the country is seeking to accomplish ubiquitous coverage.**

We need to face the reality that content delivery and demand is outpacing the technology and spectrum available to meet consumer demands, especially for Fixed Wireless networks that have limited spectrum, capacity and throughput. Many regions of our country do not have the wireline broadband infrastructure available to meet this demand. The past has proven that often times it is economically unfeasible to build new wireline infrastructure in rural areas; thus Fixed Wireless broadband is often the only economical delivery mechanism to deliver quality broadband services to those households that have been overlooked or bypassed by traditional wireline Internet providers.

It should not be taken lightly that the FCC was charged by the ARRA to write a National Broadband Plan so that all Americans could receive affordable broadband service. If the proposed rules are approved, this one action alone would cripple this goal. Why would the FCC protect one method of wireless broadband delivery and not apply the same good fortune to a similar technology that is in place and actively servicing many people and businesses today? As Fixed Wireless technology improves, and more spectrum is opened to the Fixed Wireless industry, then a more relaxed set of Network Neutrality rules may be revisited in the future, but **now is not the proper time.**

In nearly every industry in the world, flow is managed, whether it is sewer systems, hydraulic fluid, natural gas, air traffic, the highway system, or countless other systems. Flow management is essential for orderly delivery of a medium in a safe and effective process. Data is no different than anything mentioned above. Without proper management, systems will fail and the data highways will be disrupted, leaving millions of businesses and residents without service.

Companies that are building and maintaining the data highways should be able to control and manage the traffic coming in and out of their network as they see fit, in order to effectively deliver the high levels of sustained traffic that are starting to clog the Internet.

The majority of Fixed Wireless networks have been completely funded with private funds and organic growth. As Internet traffic grows exponentially, Fixed Wireless broadband providers are seeing not only their middle mile transport costs increasing but last mile transport costs increasing exponentially as well. Given the state of our current economy, we do not feel that we can pass these increased costs on to our customers. This is not a time to increase regulation in order to satisfy the consumer thirst for more content delivered to their doorstep for the same cost that they are currently paying. The economics just do not justify it.

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Our company supports the positions taken by WISPA, the Wireless Internet Service Providers Association in their Ex Parte presentation filed on December 10, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Mower', with a long horizontal flourish extending to the right.

David Mower
Owner, Disable Veteran, Managing Partner
Northern Neck Wireless Internet Services, LLC
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